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25 BARTECH SYSTEMS INTERNATIONAL, INC.

26 **UNITED STATES DISTRICT COURT**
27 **DISTRICT OF NEVADA**

28 BARTECH SYSTEMS INTERNATIONAL,
INC., a Delaware corporation,

Plaintiff/Counter-defendant,
v.

MOBILE SIMPLE SOLUTIONS, INC., a
Delaware corporation, MOBILE SIMPLE
SOLUTIONS (IAS), INC., a Canadian
corporation, VINCENT TESSIER, an
individual, CHRISTELLE PIGEAT, an
individual,

Defendants/Counterclaimants.

Case No. 2:15-cv-02422-MMD-NJK

**UNOPPOSED MOTION TO SUSPEND
LOCAL RULES FOR A LIMITED
PURPOSE**

1 Pursuant to Local Rule IA 1-4, Plaintiff, Bartech Systems International, Inc. (“Bartech”), by
2 its attorneys, moves this Court for a suspension of the Local Rules as effective May 1, 2016 (the “New
3 Local Rules”) in favor of the Local Rules as effective on August 1, 2011 in the interests of justice and
4 judicial economy for the limited purpose of allowing Bartech to re-file its Motion for a Preliminary
5 Injunction, Reply in support thereof, and supporting declarations and exhibits concurrently with its
6 Renewed Motion to Seal pursuant to the Court’s April 27, 2016 Order. *See* ECF Nos. 16, 17, 47, 67,
7 68, 71, 72, 80.¹ In particular, New Local Rules IA 7-3, IA 10-1, IA 10-3, IA 10-5, 7-3 each require
8 Bartech to alter the contents of its Motion for a Preliminary Injunction, originally filed January 14,
9 2016, and Reply in support thereof, originally filed February 16, 2016, as well as supporting
10 declarations and exhibits associated with these filings. ECF Nos. 16, 47. The Court has already held
11 a two-day evidentiary hearing on Bartech’s Motion for a Preliminary Injunction, thus a suspension of
12 the New Local Rules would serve the interests of justice and judicial economy by enabling the Court
13 to rule on the Motion for a Preliminary Injunction as briefed and argued before the Court. This Motion
14 is based upon the following Memorandum of Points and Authorities.

17 DATED: May 3, 2016

PARSONS BEHLE & LATIMER

18 /s/ Michael R. Kealy

19 Michael R. Kealy, Nevada Bar No. 971
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26 CONTI FENN & LAWRENCE LLC
27 Attorneys for Plaintiff
28 BARTECH SYSTEMS INTERNATIONAL, INC.

1 Defendants do not oppose this Motion.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.
3 BACKGROUND

4 Bartech originally filed its Motion for a Preliminary Injunction and certain supporting
5 exhibits and declarations under Seal on January 14, 2016. ECF No. 16. Bartech filed its Reply in
6 support thereof and supporting declarations and exhibits under Seal on February 16, 2016. ECF
7 No. 47. Bartech, of course, moved for leave to file these documents under Seal. *See* ECF Nos. 15,
8 46.

9
10 On April 7, 2016, the Court issued an Order denying without prejudice, *inter alia*, Bartech's
11 Motions to Seal its Motion for a Preliminary Injunction, Reply, and certain supporting declarations
12 and exhibits for failure to comply with the Ninth Circuit's recent opinion in *Center for Auto Safety*
13 *v. Chrysler Group, LLC*. 809 F.3d 1092 (9th Cir. 2016); ECF No. 58; *see* ECF Nos. 15, 16, 46, 47.

14 On April 15, 2016, Bartech and Defendants Mobile Simple Solutions, Inc., Mobile Simple
15 Solutions (IAS), Inc., Vincent Tessier, and Christelle Pigeat filed a Joint Motion to Seal Bartech's
16 Motion for a Preliminary Injunction, Defendants' Opposition thereto, and Bartech's Reply in
17 Support thereof, as well as certain supporting declarations and exhibits attendant to these filings.
18 ECF Nos. 66-72.

19
20 On April 18 and 19, 2016, the Court held an evidentiary hearing on Bartech's Motion for a
21 Preliminary Injunction. *See* ECF No. 16, 73, 74, 77, 78.

22 On April 27, 2016, the Court issued an Order denying without prejudice the parties' Joint
23 Motion to Seal for failure to comply with the *Center for Auto Safety* opinion. ECF Nos. 66, 80. In
24 the Order, the Court directed the parties to file renewed Motions to Seal and redacted filings by
25 May 4, 2016. ECF No. 80.

26
27 On May 1, 2016, revised Local Rules took effect (the "New Local Rules").

28 II.

LEGAL ARGUMENT

Bartech respectfully moves this Court to suspend the New Local Rules for the limited purpose of allowing it to file its Motion for a Preliminary Injunction, Reply in support thereof, and supporting declarations and exhibits concurrently with its renewed Motion to Seal, as directed by the Court's April 27, 2016 Order. *See* ECF Nos. 16, 17, 47, 67, 68, 71, 72, 80.

In particular, New Local Rules IA 7-3, IA 10-1, IA 10-3, IA 10-5, 7-3 each require Bartech to alter the content of the above filings. For example, Bartech originally filed its thirty (30) page Motion for a Preliminary Injunction in compliance with the prior version of the Local Rules. The New Local Rules reduced the page limit applicable to Bartech's Motion for a Preliminary Injunction from the prior limit of thirty (30) pages to the new limit of twenty-four (24) pages. L.R. 7-3. Moreover, Bartech attached relevant excerpts of deposition transcripts to its Motion for a Preliminary Injunction and referenced the original pagination of same in its Memorandum of Points and Authorities. *See, e.g.*, ECF No. 16 at 7 & Exs. 4, 5. New Local Rule IA 10-1(a)(5) requires all filed documents to be numbered consecutively, which, if applied, would cause confusion because the excerpts attached by Bartech contain four (4) pages of testimony per one (1) page of each exhibit.²

Applying the New Local Rules to Bartech's Motion for a Preliminary Injunction, Reply in support thereof, and supporting declarations and exhibits would thus require substantial revision of a fully briefed and argued motion that has already been the subject of a two-day evidentiary hearing before the Court. Therefore, the interests of justice and judicial economy are best served by a suspension of the New Local Rules to enable Bartech to re-file its Motion for a Preliminary Injunction and Reply in support thereof, as well as attendant supporting declarations and exhibits, without altering the contents of these documents.

² The prior iteration of New Local Rule IA 10-1(a)(5), then labeled Local Rule 10-1, excepted exhibits from the consecutive pagination requirement.

1 For the foregoing reasons, Bartech respectfully requests that this Court grant its Unopposed
2 Motion to Suspend the Local Rules for a Limited Purpose.

3 DATED: May 3, 2016

PARSONS BEHLE & LATIMER

4
5 /s/ Michael R. Kealy

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25 Attorneys for Plaintiff
26 BARTECH SYSTEMS INTERNATIONAL, INC.

27
28 IT IS SO ORDERED:

29 
30 UNITED STATES MAGISTRATE JUDGE

31 DATED: May 4, 2016

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